



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending May 10, 1997

Connections v. DOC—B-276889.1

This is a new protest contesting a BXA award to the JW Marriott for BXA's annual conference, contending that Protestor's proposal is compliant while Marriott's is not. There are problems with the procurement which might indicate that the protest is valid. We are working with the program office and the Contracting Officer to fashion our position and attempt to resolve this short of proceeding to fully contest the protest. Mark Langstein and Lisa Obayashi have the case.

Government Computer News Recognition

Jerry Walz has been selected by the Department as one of the individuals who has made exceptional contributions to promoting IT in the Department. A luncheon honoring the individuals will be held at the National Press Club on May 12th.

Pentec Environmental, Inc. v. DOC—B-276874

This is a new protest contesting a WASC award of continuing Exxon Valdez oil spill research. Protestor contends that the awardee is noncompliant. We are assessing whether it will be possible to get this protest dismissed on the basis of timeliness. Mark Langstein has the case.

Graphicdata, LLC v. United States, COFC No. 97-256

Papers have been filed in our Motion for Summary Judgment and argument on the Motion is set for later this week. Mark Langstein has the case.

APEC Tariff Trade Database Agreement

We reviewed and approved the final draft of the APEC/FedEx agreement to put APEC member economies tariff trade databases on the Internet. CC/IC is working with ITA to fashion a letter which will indicate to APEC that they have the authority to provide USG tariff data to FedEx. Mark Langstein is advising.

Franchise Funds/Activities

An opinion regarding authority of franchise activities to contract for common administrative support services with state and local governments has been sent to the ASC directors and other officials. The opinion concludes that, absent specific statutory authority, only specialized and technical services may be provided to non-federal

entities. Terry H. Lee and Jerry Walz worked on the matter.

Partnering and the NIST ACS Laboratory

In 1996, NIST awarded a design-build contract in excess of \$50,000,000 to the Austin Company of Cleveland, Ohio for an Advanced Chemical Sciences Laboratory. In furtherance of the Department's commitment to alternative dispute resolution (ADR), the contract included a clause supporting the concept of a voluntary partnering agreement. This agreement was executed and provided, among other things, for a commitment to and methods for resolving disputes at early stages and at the lowest possible level based upon open communication between the parties. NIST and the contractor, with the help of a facilitator, have just completed their third partnering session; and, to date, there has not been one claim or formal request for equitable adjustment submitted. Polly Mallgrave is the contracting officer and Ken Lechter has been advising.

Obayashi Honored

CLD's Lisa Obayashi, as a member of PTO's SDM Acquisition Team, was recognized with an organizational Bronze Medal.

